

MINUTES OF THE PLANNING AND ZONING REGULATIONS SUBCOMMITTEE HELD Tuesday, December 16, 2020 AT 6:00 P.M.

- A. Call to Order
- B. Roll Call: R. Satti, J. Quish / (Staff) J. Griffith, D. Sulkis, S. Harris, M. Greene
Absent: B. Kaligian
- C. Topics for discussion:

- 1) Discussion of thresholds that would trigger a public hearing application for Site Plan reviews and voting requirements.

Chairman Quish reviewed previously discussed ideas on setting some type of threshold, for example, a physical metric like building size. Another possible threshold would be more conceptual such as places of shared community interest, namely the green, waterfront areas, or downtown Devon. He noted this contrasted with applications that deal only with specific neighborhoods. He asked Mr. Satti for further ideas. **Mr. Satti** said he wanted to see what was done in other towns. He expressed concern that subjecting every application to a public hearing could drag out building and business timelines for by the applicant. He agreed that there is more interest in popular spaces. **Chairman Quish** said there is also the metric of public comment. **Mr. Sulkis** said adding the requirement of obtaining a Special Permit (SP) sets a higher standard for application review. He said that with a Site Plan Review (SPR), if you meet the regulations, you must be approved. Special Permits get extra review like determining whether they are POCD-compliant, whether there are hazards or public safety issues; in short, they give the board other ways to deny an application. **Mr. Griffith** asked about the idea of making everything a Special Permit in some zones. **Mr. Sulkis** noted that this creates a goal of making every project subject to a public hearing. **Mr. Harris** suggested that the MCDD zone contains many small properties that function like liner shops in a mall with lots of churn. He said if each one needs a special permit; new tenants and landlords will find the process cumbersome. He suggested that Special Permit review be reserved for uses that don't neatly fit into an "off the shelf" list--uses where the board might want to take an extra look. **Chairman Quish** considered which districts would be made subject to this consideration and suggested all Design Districts. He said residential uses such as mixed use/multifamily might be made to require a Special Permit. **Mr. Sulkis** suggested that if a use is a new use in the space, a Special Permit could be required, but if the space is just a switching a tenancy, it could be problematic. He said the threshold should be clarified in the regulations. **Chairman Quish** emphasized that he does not want to be anti-business. **Mr. Sulkis** reminded the board that development rules are expressed via the regulations—property owners need to know what to expect when planning projects. He thought that adding layers of rules that don't exist now won't help businesses grow. He noted that a change of use in an existing space usually has the greatest impact on parking. **Chairman Quish** asked Mr. Griffith to clarify the issues and that the topic be further discussed at the next meeting.

- 2) Proposed Regulation Amendment Language regarding resubmissions when an application has been previously denied.

Mr. Sulkis displayed a memo limiting resubmissions within a 2-year period if there is no substantial change in the application as decided by the reviewing officer and the Planning and Zoning chair. **Chairman Quish** said he felt the regulation change was ready for circulation. **Mr. Satti** agreed except asked to substitute SHALL for WILL.

- 3) Discussion of section 6.4.2 regarding how non-conforming lots are merged and whether or not Milford should change how lots are considered merged.

Chairman Quish asked **Mr. Harris** for comment; Mr. Harris said this convention is not defined in statute but in case law. He said there are 2 general approaches to resolving these mergers—one is "merger by law" to form a more conforming use. The other is "merger by use" when the second lot has housed an accessory structure. He said he polled nearby towns and received a handful of replies. He learned that Milford is the only place of those he questioned with "merger by use" in force. He said this approach is problematic because it requires that the owner prove a negative—that no accessory structure was ever on the lot. **Chairman Quish** said he might support a new regulation for merger by law, but he wanted to establish limits to allow both lots to be preserved. **Mr. Sulkis** said a limit might be that the lot must be equal to or greater than a lot in existence in 1929. He said that way, it's defined and wouldn't be merged. If it's greater, the upward limit would be the current zoning requirements. He said this requirement is predicated on lots created prior to 1929. There was discussion of extremely small lots sold in multiples historically in certain parts of the city. **Chairman Quish** asked **Mr. Harris** and **Mr. Sulkis** to draft new language.

- D. Members suggestions for proposed amendments: none.
- E. Approval of Minutes of 10-20-20 was unanimous.
- F. Adjournment was at 6:35. **Chairman Quish** proposed a longer meeting next time of 45 minutes to an hour.